

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOHN R TAYLOR,

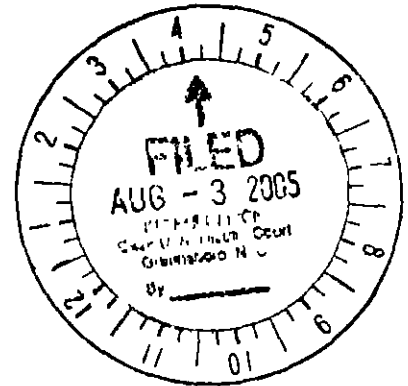
Plaintiff,

v.

COMMANDANT OF U S MC MSRB,

Defendant

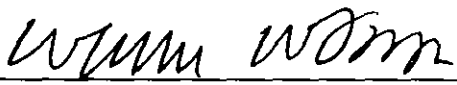
1 04CV1132



J-U-D-G-M-E-N-T

On March 30, 2005, the undersigned Magistrate Judge entered a Recommendation that the court grant Defendant's motion to dismiss under Rule 12 (b)(1) for lack of subject matter jurisdiction and under Rule 12 (b)(6) for failure to state a claim. In the intervening time, on consent of the parties, the case has been assigned to the undersigned to conduct all proceedings including a jury or nonjury trial, order the entry of final judgment, and conduct all post-judgment proceedings. Also, in the intervening time, there has been no objection to the Recommendation although the time for objection has long since run.

Now, therefore, in accordance with the Recommendation and for the reasons set out therein, Defendant's motion to dismiss (docket no. 10) under Rule 12 (b)(1) for lack of subject matter jurisdiction and under Rule 12 (b)(6) for failure to state a claim is **GRANTED**. It is **HEREBY ORDERED, ADJUDGED, AND DECREED** that this case be dismissed with prejudice.



Wallace W. Dixon
United States Magistrate Judge

August 2, 2005